



ATTORNEY DOCKET NO.: CIS01-02(3665)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

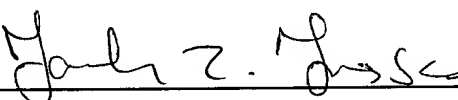
Applicant: Jean-Philippe Champagne
Serial No.: 09/834,796
For: METHODS AND APPARATUS FOR TRANSMITTING INFORMATION IN
A NETWORK
Filing Date: April 13, 2001
Examiner: Nano, Sargon N.
Art Unit: 2157
Conf. No.: 8371

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP PETITION**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: May 13, 2005

By: Farah Z. Frasco
(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: 

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JEFFREY J. DUQUETTE, ESQ.

I, Jeffrey J. Duquette, Esq. declare as follows:

I am an associate in the law firm of Chapin & Huang, L.L.C. (Chapin & Huang).

I typically prepare, review, and sign correspondences to the U.S. Patent Office on behalf of certain Applicants.

Prior to submitting the correspondences with the U.S. Patent Office I review the correspondence to the U.S. Patent Office to ensure the correspondence includes two duplicate, return receipt postcards listing the items transmitted to the U.S. Patent Office with the correspondence and listing the serial number of the patent application. In the case where the correspondence relates to a reply to an Office Action, I include a transmittal form that lists the Applicant Name, Serial Number, Title, Filing Date, Examiner Name, Art Unit, and Conformation Number associated with the patent application. I also ensure that the transmittal form includes language indicating that if "the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts".

Prior to signing the correspondence to the U.S. Patent Office, I make sure that a secretary has included and signed a Certificate of Mailing under 37 CFR §1.8. I then sign the correspondence and give the correspondence back to that secretary for submission to the U.S. Patent Office. I require that secretary to (i) create a file copy of that signed correspondence for our file wrapper and (ii) deposit the signed correspondence with the U.S. Postal Service as first class mail addressed to the U.S. Patent Office.

In connection with the current case, I first became aware of the holding of

abandonment on April 7, 2005, upon receipt of a Notice of Abandonment mailed from the United States Patent & Trademark Office on March 22, 2005.

At or about that time, I examined the file wrapper and reviewed a copy of a signed Amendment to an Office Action mailed from the U.S. Patent Office on August 13, 2004. The Amendment was signed by me and included a Certificate of Mailing under 37 CFR §1.8 which was dated November 15, 2004 and which was completed by Tammy L. Rosado, patent law secretary of the firm. Accordingly, to the best of my knowledge and belief, the Amendment was deposited with the U.S. Postal Service as first class mail addressed to the U.S. Patent Office in accordance with 37 CFR §1.8 on November 15, 2004 by Tammy L. Rosado. Moreover, to the best of my knowledge and belief, I have no reason to believe that Tammy L. Rosado did not properly submit the signed Amendment on November 15, 2004. Rather, knowing the procedures for outgoing mail and Tammy L. Rosado's experience with them, I have reasonable basis to expect that the Amendment was deposited with the U.S. Postal Service on the date indicated. Additionally, we received copies of the return receipt postcards from the U.S. Patent Office, dated November 18, 2004, indicating receipt of the Amendment by the U.S. Patent Office.

Upon further examination of the file wrapper I reviewed the post cards and transmittal forms for the Amendment sent to the U.S. Patent Office on November 15, 2004. Upon further review, the serial number listed on the post cards and transmittal form included a typographical error. The serial number was listed, incorrectly, as

10/834,796. The correct serial number associated with the application is **09/834,796**

While the serial number listed on both the transmittal form and the return receipt postcards for the Amendment included a typographical error, the correspondence transmitted to the U.S. Patent Office on November 15, 2004 included other information that would allow the Amendment to be routed to the proper parties for review. For example, as stated above, the transmittal sheet included the Examiner Name, Art Unit, and Conformation Number associated with the patent application. Additionally, as mentioned above, I included language requesting the U.S. Patent Office to contact me if "the enclosed papers or fees are considered incomplete". I did not receive any correspondence from the U.S. Patent Office regarding the deficiency in the Amendment (e.g., the typographical error relating to the serial number). Accordingly, I submit that the accompanying petition to withdraw the Notice of Abandonment is being promptly submitted as required by 37 C.F.R. § 1.8(b)(1).

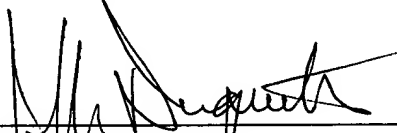
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All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,



Jeffrey J. Duquette, Esq.
Attorney for Applicant
USPTO Registration No.: 45,487
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805

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Dated: May 13, 2005